

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** January 27, 2024  
**Bill No:** SB 195

**Sponsor:** Munoz  
**Short Title:** Felony Entering Retail Establishments

**Agency Name and Code** NM Sentencing Commission (354)  
**Number:** \_\_\_\_\_  
**Person Writing** Douglas Carver  
**Phone:** 505-239-8362 **Email** dhmcarver@unm.edu

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

SB 195 amends Section 30-16-3, concerning burglary, by adding a new subsection that states that if a person enters a “retail establishment”, having received notice that they are not authorized to enter the establishment, with the intent to commit a felony or theft, the person is guilty of a fourth degree felony.”

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

It is not clear that the addition to the burglary statute in SB 195 is required, as Subsection B of the present statute states, “Any person who, without authorization, enters any . . . structure, movable or immovable, with intent to commit any felony or theft therein is guilty of a fourth degree felony.” If a person enters a retail establishment having received notice that they are not authorized to enter the establishment, that would be entry without authorization, and thus seemingly covered in present law.

Additionally, the new language in SB 195 does not define two key terms: “notice” and “retail establishment”. This might lead to confusion is how and when the law is to be applied.

It is difficult to determine what the effect of passing SB 195 would be on the state’s prison population, but the penalties included in the bill could lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state’s prison system is \$156.45/day; this average includes private and public facilities.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**